SINGLE BENCH

C.S.19

(3)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 6001 Of 2006.

PETITIONER :- Chetan Barmeda, aged 34 years, son of

DEFENDANT NO. 3 Late Shri Kantilal Barmeda, resident of Choubey Coloney, Raipur, Tahsil and District Raipur (Chhattisgarh),

V E R S U S

RESPONDENTS :- 1. Smt. Kranti Sharma, aged 66 years , wife of Late Krishna Kumar Sharma,

2. Vijay Kumar, aged 44 years,
3. Sujeet Kumar, aged 35 years,
4. Ku. Jyoti Kiran, aged 28 years,
5. Ku. Pushpanjali, aged 26 years,

All resident of a House no. 11/64 Malviya Road, Raipur (Chhattisgarh),

6. Smt. Uma Shukla, aged 42 years, wife of Sri Rajkumar, resident of Pawan Vihar Colony, Amalidih, Raipur (Chhattisgarh),
7. Smt. Savita Mishra, aged 38 years, wife of Shri Shailesh Mishra, resident of Mohan Nagar, Durg (Chhattisgarh),

Respondent no. 2 to 7, all sons and daughters of Late Sri Krishna Kumar Sharma,

PLAINTIFFS

8. C.P. Gramophone House, Proprietor deceased Sri Kantilal Barmeda, House no. 11/54, Opp. "Tara Bhawan", Malviya Road, Raipur M.P. (now Chhattisgarh),
9. Sri Manish Barmeda, aged 28 years, son

Contd..2..

P.R. No. 2208/06
Presented by Shri ...
dated ...

NOTARY
R.K. KASAR
NOTARY (ADVOCATE)
RAIPUR (C.G.) INDIA
GOVT. OF CHHATTISGARH.

20 APR 2006

of Sri Kantilal Barmeda, through 'R.H. Stores', House No. 11/54, Malviya Road, City, Tahsil and District Raipur M.P. (now Chhattisgarh).

DEFENDANT NO. 1 AND 2

PETITION UNDER ARTICLE 227 OF CONSTITUTION OF INDIA

DETAILS OF PETITION :-

XI-HC-78

(58)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 6001/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	15.11.2006 Shri Pankaj Agrawal, counsel for the petitioner. Heard on admission. By this writ petition filed under Article 227 of the Constitution of India, the petitioner, who is defendant no.3, has challenged the legality of that portion of the order dated 31.1.2006 by which the application filed for transposition of plaintiff no.2 as defendant no.4 has been allowed by the trial Court. The brief facts are that in the pending civil suit, the sole plaintiff expired and his legal representatives were brought on record by order dated 09.3.2005. Thereafter one of the legal representatives of the deceased i.e., newly added plaintiff no.2 denied to sign the *Vakalatnama* for representation in the Court. On this the remaining plaintiffs filed an application for his transposition as defendant no.4 for the purposes of prosecution of the suit. It is this application which has been allowed by the trial Court, against which the defendant no.3 has filed this writ petition. In the opinion of this court, when one of the legal representatives of the deceased plaintiff who has denied to sign the Vakalatnama as a plaintiff in a case, has been allowed to be transposed as a defendant, the trial Court has committed no illegality warranting interference by this Court under Article 227 of the Constitution of India. The petition has no merits. The same is dismissed in limine.	

XI-HC-78

(59)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 6091/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In view of the above, M.W.P.No.4466/2006 for grant of ad-interim writ, I.A.No.10454/2006 for amendment in the petition, I.A.Nos.8841/2006 & 10452/2006 for taking affidavit on record and I.A.No. 10453/2006 for out of turn listing of the case all stand disposed of. Sd/- Sunil Kumar Sinha Judge	

P.T.O.